

Lincoln, Nebraska
August 17, 2007

**COMMUNITY CORRECTIONS COUNCIL
MEETING MINUTES**

The Community Corrections Council (Council) met Friday, August 17, 2007, 9:00 a.m., at the Cornhusker Hotel, Lincoln, Nebraska. The meeting was open to the public and was preceded by advance publicized notice in the Lincoln Journal Star.

Members present:

Scot Adams
Mike Behm
Kermit A. Brashear, Chair
Ellen Fabian-Brokofsky
Catherine Cook
Jeff Davis
Thomas Dorwart
Julie Hippen
Robert Houston
The Honorable John P. Icenogle
Joe Kelly
Lee Kimzey
Robert Lindemeier
James McKenzie
Senator Dwite Pedersen
Senator John Synowiecki
Janice Walker

Others present:

Toni Ahrendt
Jacki Allensworth
Bruce Ayers
Robert Bell
Peg Berlowitz
Mike Dunkle
Steve King
John Krejci
Patricia Langer
Deb Minardi
Connie Nemec
Mike Overton
Anne Pamperl
Jim Piper
Rich Robinson
Julie Rogers
Christine Salvatore
Monica Miles-Stevens
Larry Wayne
David Wegner

Members absent:

Esther Casmer
The Honorable Karen Flowers

Council Staff Present:

Linda Krutz, Executive Director
Tia Bachman, Admin Assistant
Nickette Allen, SOS Temp

CALL TO ORDER, WELCOME, OVERVIEW & CAPITOLBEAT CONFERENCE

Chairperson Brashear called the Council meeting to order at 9:04 a.m., announced that the meeting is subject to the Open Meetings Act, and gave an overview of the meeting. Attendance is indicated above.

Tia Bachman was introduced as the Administrative Assistant for the Community Corrections Council.

Brashear gave an overview of the Capitolbeat Conference he attended as a panelist in Philadelphia on behalf of The Pew Charitable Trusts (Pew). Capitolbeat is the press association for the State Capitol reporters around the nation. More than 60 reporters or editors from various states attended. Reporters were given time to ask questions which included sentencing alternatives and sentencing guidelines. He noted that a pressing issue for states was the lack of data for future planning, building new correctional facilities and increasing corrections departments. Brashear noted there is competition for resources and funding from Vera Institute of Justice (Vera) and Pew. To be eligible for assistance states have to demonstrate all branches of government are working together and Nebraska was cited as a state where this is occurring.

APPROVAL OF MINUTES

It was noted that the June 15, 2007 meeting minutes did not incorporate specific dollar amounts for the proposed Probation budget or Parole budget. The minutes will be corrected to include the proposals acted upon. Hereafter, meeting minutes will include specific dollar amounts.

Corrections to June 15, 2007 meeting minutes, page 5:

A motion was made...to adopt the proposed Probation budget. No dollar amounts specified.

Dollar amounts are: 1. Day and Evening Reporting Centers (DRC's) -- \$1,842,818 (1,250,000 from Council general fund and \$592,818 from Probation cash fund). 2. Substance Abuse Treatment Services -- \$3,946,962 (\$2,121,811 from Council general fund and \$1,825,151 from Probation cash fund).

A motion was made...to adopt the proposed Problem-Solving Courts budget. No dollar amounts specified.

Dollar amount is: \$2,085,067 (all from Council general fund).

A motion was made to adopt the proposed Parole budget. James McKenzie, Parole Administration, stated Parole is asking for \$60,000 to reimburse Probation for Specialized Substance Abuse Services (SSAS) provided to parolees.

The stated Parole budget as per their handout is \$95,500. There was an additional \$35,500 specified for operational expenses. The total \$95,500 is from the Parole cash fund.

The June 15, 2007 meeting minutes were then approved as presented.

PROBATION FEE PROPOSAL

Deb Minardi, Probation Administration, gave a PowerPoint presentation on the *Probation Fee Proposal* and updates on the studies in progress. She stated that Probation is committed to implementing evidence based practice.

The Incentive Study is ongoing with projects submitted and applications approved. The Level of Service/Case Management Inventory (LS/CMI) pilot project is going well. Probation should have a report ready for the Council in October for both studies. Continuous Alcohol Monitoring is being used by both Probation and Parole officers to test offenders. The Douglas County Adult Drug Court was opened this month and a Drug Court in Central Nebraska will be added in January 2008. Forty-four new providers were added to the Registered Providers list since January 2007.

The 2008 proposed budget for the training initiative is \$215,940.

A motion was made by Scot Adams and seconded by Dwite Pedersen to approve the proposed budget for the training initiative of \$215,940 for Probation. Roll call was conducted and the motion passed.

Dave Wegner, Probation Administration, continued the PowerPoint presentation with a proposed budget of \$148,000 for Electronic Case Monitoring (ECM) Training. This includes monitoring, training of staff, and the integration of the case management system for up to 5,000 offenders by June 30, 2008. This program would allow officers to spend the bulk of their time working with high risk offenders.

A motion was made by Lee Kimzey and seconded by Mike Behm to approve the proposed budget of \$148,000 for the Electronic Case Monitoring (ECM) Training for Probation. Roll call was conducted and the motion passed.

PAROLE FEE PROPOSAL

McKenzie presented a proposed budget of \$21,191 to train ten trainers at a LS/CMI Workshop. The cost would include Assessment Tape Critiques, LS/CMI training for trainers, Coached LS/CMI training, and Training Kits/Materials.

A ten minute break was called by Brashear.
The Council reconvened at 10:31 a.m.

A motion was made by Lee Kimzey and seconded by Thomas Dorwart to accept the proposed Parole LS/CMI Training Budget of \$21,191. Roll call was conducted and the motion passed.

COMMUNITY CORRECTIONS DISCUSSION

Brashear brought forth a discussion of key questions. Where are we? Where are we going? How will we get there? Are we going to continue to have Council meetings? What's our timeline? Brashear stated the Council is viewed as a collaborative, cooperative effort that was established at law, by the legislature, with the participation of the executive and judicial branches, to achieve the objective that we are in pursuit of. Brashear also said Pew indicated no one had done a better job than we had of bringing the three branches of government together in a collaborative, cooperative effort.

Council members suggested that what got us here is not necessarily what will carry us forward and a different structure may be needed. A suggestion was made to form committees of the Council or accelerate the meeting schedule between now and the end of the year. Ellen Fabian-Brokofsky stated the Council has had a minor disconnect with the turnover rate of Council members since the beginning and that an update is needed for all members. John Icenogle suggested that Vera could assist in identifying what the Council's role should be at this time.

A primary concern of the Council was to finish the programs, projects, goals, and needs for Felony Drug Offenders (FDO's) within the community. Julie Hippen, Lutheran Family Services, would like to see the Council review our current programs and then create a plan for what we want in the future. She noted the need to explore making a proposal to expand the SSAS pilot sites. Hippen also asked if the Council had the resources to expand the services in the community to the FDO's.

Fabian-Brokofsky acknowledged the reason Probation wants to do electronic reporting was to focus on the FDO population. She is pleased with the Day and Evening Reporting Centers (DRC's), and said they could eventually be multi service centers for high risk cases and high risk offenders. Robert Lindemeier stated that SSAS are not available in North Platte. His preference would be to stay focused and make all programs available state wide.

Robert Houston said the Council has the framework for success now; there's credibility and an impact is being made. He said the Council had an exceptional collaborative process beginning with LB83 and the Department of Correctional Services (DCS) will be able to put more inmates on parole. Houston stated inmates will have a bigger stake in their own rehabilitation. He noted the Parole Board has increased the number of offenders being granted parole.

Icenogle noted the Council has developed a budget, obtained funds, and gone forward with projects. He said without this Council that would never have happened, and by the collaborative efforts, all members know what needs to be done. He said the Legislature has looked favorably on appropriating money to the Council because it has functioned as a deliberative body with a plan and a direction. Many members stated that to save money on the future population of offenders, the Council needs to spend the money upfront on the Community Correction programs.

Catherine Cook said the Council has done a lot of good work and good things. She noted that although we are not doing anything new doesn't mean we are not doing anything at all. Cook stated the Council needs time to measure it's effectiveness with the programs in place, and training of officers. She said the Council should wait for the outcome of Sentencing Guidelines before beginning on new projects. Cook said we don't necessarily need to spend any more money or introduce additional populations such as sexual offenders as this would be a significant project to undertake. She suggested the Council stay focused and review where we are with the mission, vision, and goals of the Council.

Dorwart stated there is a preference to not spend money on prevention because you can not see the savings. He supports services to FDO's, but also said services should be provided to misdemeanor drug offenders as a preventative measure.

John Synowiecki said DCS provided the appropriations committee with a viable plan to get treatment services for inmates. Synowiecki stated the appropriations committee was convinced the plan would streamline the parole process and move offenders to parole more quickly, so the appropriations committee funded the program.

Synowiecki also asked how the Council can show cost avoidance. He noted the Council came into existence as a result of the huge state expenditure of building a second penitentiary, and would like to avoid another major state expenditure for construction of another prison. He said the Council should maintain our mission to divert individuals from the penitentiaries through Community Corrections.

Icenogle suggested the Council serve as an advisory research group for the Governor, Judiciary, or Legislature to show the cost factors of proposed plans. He said the Council has remained the only independent organization that can provide advice that's not tainted by a perspective.

Brashear summarized what the Council as a whole stated. The Council should remain as a group for the present time and continue the deliberative, collaborative process that has been used. The Council is willing to meet more often, at least for a short period, and have additional meetings until the end of 2007. The Council is not opposed to increasing time together, deliberation, and work product. The Council can assess where it is and decide on the need for a retreat or enhance work on the strategic planning process.

Behm voiced that he is not in favor of conducting as many meetings as possible between now and the end of the year. He suggests using our time wisely since some members travel long distances. Behm suggested a two day meeting instead, with the first day used as a group planning session, and the second day used to conduct other business matters.

Houston said it is the duration and not the frequency of a meeting that is most important when you come from distances. Dorwart would like to have everything scheduled on a Friday, if it's a two day meeting, Thursday, Friday.

Brashear proceeded to schedule the extra meeting dates with the Council's input. The following meetings were decided upon:

Scheduled for September 21
Reserve October 5
Scheduled for October 19
Reserve November 2
Scheduled for November 16 - Chairperson Brashear will be absent
Reserve November 30
Scheduled for December 14
Reserve December 21

EXECUTIVE ADMINISTRATIVE PROCEDURES

Houston stated his Agenda item has been covered by discussion in Agenda item five, Community Corrections Discussion.

The Policy Analyst position will be advertised and filled as soon as possible.

VERA INSTITUTE OF JUSTICE

Brashear stated that Pew is requiring Vera conduct an assessment of where Nebraska is in the development of Community Corrections. Julie Rogers was introduced as a Vera associate assigned to work with and support Nebraska's effort.

PROBATION/PAROLE SERVICES STUDY CONTRACT

Linda Krutz, Executive Director of the Community Corrections Council, identified Vera as the sole source on previous studies, and the Department of Administrative Services (DAS) will accept a deviation on the contract. An agreement was reached that deliverable d (regarding juveniles) in LB 540 does not have to proceed at this time. Vera is willing to conduct the Probation/Parole Services Study and provide a match of \$25,000. Total cost of the Study is \$50,000. The juvenile section will be conducted at a later time.

Vera requested the detailed study outline deadline be changed from September 1, 2007 to September 30, 2007. Sara Mogulescu advised Vera will provide a 3-6 page summary of the study progress by October 12, 2007.

A motion was made by Thomas Dorwart and seconded by Robert Houston to approve the contract as amended. Roll call was conducted and the motion passed.

Brashear called a 30 minute lunch break.

The meeting reconvened at 12:55 p.m.

COUNCIL'S DRAFT POLICIES OF GOVERNANCE

A discussion was conducted to determine the necessity of a Vice-Chair, the term length, and duties assigned.

A motion was made by Mike Behm and seconded by Joe Kelly to consider the creation of a Vice-Chair position. Roll call was conducted and the motion passed.

A motion was made by Mike Behm and seconded by Tom Dorwart to conduct elections today. (The Motion was withdrawn)

A motion was made by Mike Behm and seconded by James McKenzie to conduct an election today for the position of Vice-Chair for the term of two years beginning today, August 17, 2007. Roll call was conducted and the motion passed.

Nominations for Vice-Chair were opened to the group. John Icenogle was nominated by Dorwart, Behm nominated Robert Houston, and Cook nominated John Synowiecki. John Synowiecki removed his name from the ballot.

Behm suggested using written ballots as opposed to a show of hands for a vote. Brashear stated that due to the sensitive nature of the proceeding, a written ballot will be used.

Fabian-Brokofsky questioned the eligibility of voting by non-voting members. She said in the Juvenile Justice Coalition meetings, she is not allowed to vote on any money decisions, but she is allowed to nominate and vote on elections. Jim Piper stated that in a fairly established body of case law, a person in one branch of government can not be a voting member of a council or committee that is in a different branch of government, or with issues involving money or budgets. He said that members in opposite branches in an advisory, nonbinding, or purely procedural committee would be able to vote.

Brashear stated that if members are eligible to serve as a Vice-chair, they should be able to vote. The election was conducted by written ballot and all Council members voted. John Icenogle was appointed Vice-Chair.

COMMUNICATION & EDUCATION STRATEGY

Krutz presented the updated graph on the Community Corrections Council Duties. The *Communication & Education Strategy* was discussed, and shown to include the list of people and agencies to provide information to about the Council's mission and progress. The Council Newsletter was presented to the group. Other items to be presented as they are finalized are Brochures, the Senator's Packets, and an Annual Report. The Community Corrections Council staff will create a separate website from the Crime Commission, and it is scheduled to be on-line January 2008.

RE-ENTRY PROGRAMMING FOR PAROLEES

Hippen discussed Parolee housing, treatment, and employment. She addressed the homeless population of offenders. Adams stated the Health and Human Services System (HHSS) uses housing related assistance funded by a 30 cent per thousand valuation collected at

the time one registers a deed. He said the program is administered by the Regions, and loosely could be considered a voucher program, though payment is made directly to vendors.

COMMUNITY CORRECTIONS FINANCIAL REPORT

Bruce Ayers of the Crime Commission presented the *Community Corrections Financial Report*. The budget approved for Probation today will be deducted from the unallocated funds from Probation Offender Fees for Treatment/Programming. It was clarified that the budget approved at the June 15, 2007 meeting of \$35,500 includes the \$21,900 approved today.

TARGET POPULATION REPORT & COMMUNITY CORRECTIONS DATA REPORT

Mike Dunkle provided an amendment of the *Target Population Report* to show adults sentenced to Probation as a 1 percent increase instead of a 16 percent decrease shown on the original version. Admissions to DCS are down 5 percent, and Parole is up 8 percent. It was noted that the average length of time on parole is eight months. A 6 percent decrease was reported for FDO's in DCS and a 15 percent increase in the total number of inmates on Parole over the last year with FDO's on parole at 9 percent.

Dunkle reviewed the *Community Corrections Data Report*. SSAS has a 96 percent increase since January 2007 and is at 56 percent capacity. One hundred fifty-six offenders or 60 percent have graduated from the Problem-Solving Courts.

TIMELINE

The Timeline was presented. It is subject to change, and it is designed to give an overview of the Council's plan. Input was solicited and the timeline will be updated to include the additional meetings, and the Probation/Parole Services Study contract change.

2008 LEGISLATION

Ideas will be brought forth at future meetings.

PUBLIC TESTIMONY

No one came forward to give public testimony.

CONCLUDING REMARKS & ADJOURNMENT

There being no further business, at 2:26 p.m. the meeting was adjourned.

The next scheduled meeting of the Council is Friday, September 21, 2007, 9:00 a.m., at the Cornhusker Marriott in Lincoln, Nebraska.

Respectfully submitted,

Tia M. Bachman